

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of

Violent Television Programming  
and Its Impact on Children

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MB Docket No. 04-261

**REPLY COMMENTS OF THE  
CONSUMER ELECTRONICS ASSOCIATION**

The Consumer Electronics Association (“CEA”)<sup>1</sup> respectfully submits these reply comments in response to the Commission’s *Notice of Inquiry* in the above-captioned proceeding.<sup>2</sup> CEA’s reply comments address issues raised by several commenters regarding implementation and use of the V-chip system.

**CEA SUPPORTS COMMENTERS’ VIEWS THAT THE V-CHIP AND PROGRAM RATINGS SYSTEMS HAVE FULFILLED THEIR INTENDED PURPOSE**

CEA fully supports the views expressed by the National Association of Broadcasters that the V-chip and television program ratings clearly fulfilled Congress’s intent that they serve as “tools for parents to use, if they choose, to monitor their children’s television viewing.”<sup>3</sup> CEA concurs with NAB’s view that although the V-chip and program ratings system use is increasing,

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<sup>1</sup> The Consumer Electronics Association is the principal U.S. trade association of the consumer electronics and information technologies industries. Our members design, manufacture, distribute and sell digital and analog television receivers, monitors and associated electronics such as digital video recorders (“DVRs”), video cassette recorders (“VCRs”), direct broadcast satellite radios (“DARS”), satellite television receivers (“DBS”), broadcast AM and FM radios, and similar products. Our members also design and manufacture unlicensed devices such as Wi-Fi network devices that connect personal computers, personal digital assistants (“PDAs”) and laptops to peripheral devices and networks, cordless phones, baby monitors, and wireless headsets. CEA’s more than 1,700 member companies include the world’s leading consumer electronics manufacturers.

<sup>2</sup> *Notice of Inquiry*, MB Docket No. 04-261, FCC 04-175 (rel. July 28, 2004) (“*Notice*”).

<sup>3</sup> Comments of the National Association of Broadcasters, at 10 (filed October 15, 2004) (“NAB Comments”).

there are and may always be parents who *decline* to use the V-chip as a tool for monitoring their children's television viewing.<sup>4</sup> This parental choice does not mean that the V-chip and program ratings are failing to fulfill their intended purpose. What it means is that although the V-chip and program ratings were the result of a mandate, parental behavior and choice cannot be mandated. Parents are the final arbiters of what they deem appropriate for their children.

CEA also supports NAB's statement that several other technologies are available to assist parents in supervising their children's television viewing, if they choose to do so.<sup>5</sup> In addition to the broadcast and television manufacturing communities, the cable and satellite industries also are playing an important role in offering parental control options.<sup>6</sup>

Numerous industries have worked together at great expense to provide an array of parental control resources. These tools are available and accessible. Whether or not parents choose to take advantage of the V-chip, program ratings system, or the abundant educational resources that are available to them regarding parental control is a personal choice. The fact that parents decline to use these resources is not indicative of their effectiveness. CEA urges the Commission to avoid substituting its judgment for that of a parent.

## **PROPOSALS BY THOSE COMMENTERS POSITIONED TO REAP FINANCIAL WINDFALLS ARE WITHOUT MERIT**

One commenter, Tim Collings, recommends that the Commission require V-chip availability in "all electronics used by the child to interact with that content."<sup>7</sup> This includes

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 12.

<sup>6</sup> *Id.* See also, Comments of the National Cable and Telecommunications Association, (filed October 15, 2004) ("NCTA Comments"), and Comments of the Satellite Broadcasting and Communications Association, (filed October 15, 2004) ("SBCA Comments").

<sup>7</sup> See Comments of Tim Collings, at 1 (filed October 7, 2004).

“small wireless electronics such as cell phones, video players, and vehicular television...”<sup>8</sup> Not only does CEA strongly disagree with Mr. Collings’ recommendation, but also it finds such a recommendation wholly disingenuous. Mr. Collings, a Canadian inventor, fails to disclose here and in other Commission proceedings that he stands to gain financially through the Commission’s adoption of his proposal. In fact, he failed to disclose his financial interest in the V-chip requirement that was adopted in the *Report and Order* in the *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion To Digital Television* (“2<sup>nd</sup> DTV Periodic R&O”).<sup>9</sup>

Licenses for the technology adopted in the 2<sup>nd</sup> DTV Periodic R&O are being offered to television manufacturers through Tri-Vision International Limited, a Canadian company in which Mr. Collings serves as a Director. During the course of this proceeding, Mr. Collings participated but did not disclose to the FCC the fact that he claims an essential patent for the technology that the Commission ultimately adopted.<sup>10</sup> Mr. Collings’ financial interests are clearly illustrated in an article published in “Business Edge”, which contained the following quotations him: “We are a (company with earnings of) \$10-15 million per year. Our revenues could increase to \$100 million per year [as a result of the FCC’s action] and that is a conservative figure...”<sup>11</sup> Mr. Collings further noted that “[w]e are the only company that possesses a patent for technology that fits into the new (FCC) standard,” says Collings. “We’ve got a pretty solid case. We’re hoping to get 100 per cent of the market in the U.S.”

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<sup>8</sup> *Id.*

<sup>9</sup> Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion To Digital Television, Report and Order, 19 FCC Rcd 18279 (2004) ( “*Second DTV Periodic R&O*”).

<sup>10</sup> *Id.* See Comments of Tim Collings (April 7, 2003); Reply Comments of Tim Collings (filed May 21, 2003); and *Notice of Ex Parte Contact* dated October 24, 2003.

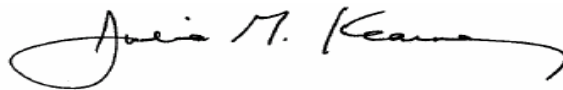
<sup>11</sup> *Local Inventor Hopes for Windfall with Digital TV*, Business Edge, Oct. 14, 2004 (full article attached hereto).

Mr. Collings has an undeniable financial interest in the V-chip requirements that he is urging the Commission to adopt. The fact that he holds himself out as a private citizen who wishes to “protect children” is disingenuous and his recommendation should be dismissed without consideration.

## CONCLUSION

CEA supports the views of several commenters that numerous parental control resources are available and accessible to consumers. Whether or not parents choose to take advantage of the V-chip, program ratings system, or the abundant educational resources that are available to them regarding parental control is a personal choice. The fact that parents decline to use these resources is not indicative of their effectiveness. Further, CEA urges caution against those parties who fail to disclose financial interests, while advocating mandatory action.

Respectfully submitted,



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